

REMARKS

Claims 1- 20 are currently pending in the present application. Claims 1-20 stand rejected. By way of the present amendment, claim 1 has been amended and claims 12-20 have been cancelled. Reconsideration of claims 1-11 is requested in light of the following remarks.

Rejections under 35 U.S.C. §101

Claims 12-20 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants submit that claims 12-20 have been cancelled and therefore respectfully request the Examiner withdraw the 35 U.S.C. §101 rejections.

Rejections Under 35 USC § 103

Claims 1, 3-5 and 8-11 presently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs (U.S. Pat. No. 5, 836,529) in view of Good (U.S. Pat. No. 6,477,452). Further, claims 2 and 6-7 presently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbs in view of Good, and further in view of Jarrett (U.S. Pat. No. 6,345,257 B1).

Claim 1 is directed to a method for inspecting rail equipment, storing information relating to the inspection and automatically generating a repair disposition report. Among other limitations, claim 1 requires providing a plurality of dispositions for the rail equipment wherein the plurality of dispositions includes not repairing the rail equipment, repairing the rail equipment using a mobile repair unit and repairing the rail equipment at a repair facility, wherein the mobile repair unit is a vehicle equipped to provide mechanical services to the rail equipment without requiring the rail equipment to be moved to a repair facility; and automatically assigning, via the data entry system, one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment.

The Examiner acknowledges that Gibbs does not disclose providing a plurality of dispositions, nor does Gibbs automatically assign one of the dispositions to the rail equipment. However, the Examiner contends that Good does. Applicants' respectfully disagree. Good discloses transmitting service reports and other information, including information regarding repair and service events including mobile repair units, but Good does not in any way disclose, teach or suggest generating a report and automatically assigning a disposition from a group including at least (1) not repairing the rail equipment (2) repairing the rail equipment using a mobile repair unit and (3) repairing the rail equipment at a repair facility. Conversely, Applicants' claimed invention specifically requires automated repair disposition decisions. Nothing in Gibbs or Good discloses, teaches or suggests such automated decision making, let alone the specific decisions required in Applicants' claim 1.

Further, Applicants respectfully submit that Jarrett does not cure the deficiencies of Gibbs and Good as 35 U.S.C. 103(a) references. Specifically, Jarrett does not disclose any automated decision making processes for determining repair dispositions, rather, Jarrett's system is for tracking and reporting defects and maintenance reports. Because Applicants' claimed invention requires the generation of a report including an automated designation of a repair disposition, no combination of Gibbs, Good and Jarrett provide any disclosure, teaching or suggestion that would render obvious Applicants' claim 1.

As a result, Applicants respectfully submit that Claim 1 is patentable over any combination of Gibbs, Good and Jarrett. Additionally, claims 2-11 depend on claim 1, and include all of its limitations; therefore, Applicants respectfully submit that claims 2-11 are also patentable over every combination of Gibbs, Good and Jarrett.

CONCLUSION

In light of the Amendments and Remarks herein, Applicants submit that the claims are in condition for allowance and respectfully request a notice to this effect. Should the Examiner have any questions, he is invited to call the undersigned attorney. Reconsideration and reexamination of the pending claims is requested. If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Respectfully submitted,

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